

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC WEINER, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TIVITY HEALTH, INC., DONATO
TRAMUTO, GLENN HARGREAVES and
ADAM HOLLAND,

Defendants.

Case No.: 3:17-cv-01469

Chief Judge Crenshaw
Magistrate Judge Newbern

MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel for Lead Plaintiff Oklahoma Firefighters Pension and Retirement System, respectfully move this Court for an order admitting Daniel S. Sommers as counsel *pro hac vice*.

Mr. Sommers is an attorney at Cohen Milstein Sellers & Toll PLLC, located at 1100 New York Avenue N.W., Suite 500, Washington, D.C. 20005. Mr. Sommers' telephone number and email are: (202) 408-4600, dsommers@cohenmilstein.com.

Mr. Sommers is admitted to practice before the United States District Court for the District of Columbia. There are no disciplinary actions or investigation of documents pending in any jurisdiction for Mr. Sommers. There are no criminal charges that have been instituted against Mr. Sommers in any jurisdiction.

Mr. Sommers agrees to subject himself to the jurisdiction of the courts of Tennessee in any manner arising out of his conduct in such proceedings and agrees to be bound by the Code of

Professional Responsibility applicable to Tennessee lawyers and the interpretation thereof by Tennessee courts.

Mr. Sommers has associated with Benjamin A. Gastel and J. Gerard Stranch, IV of the law firm Branstetter, Stranch & Jennings, PLLC, 223 Rosa L. Parks Avenue, Suite 200, Nashville, TN 37203, for his appearance *pro hac vice* in this matter.

In support of this motion, a Certificate of Good Standing from the United States District Court for the District of Columbia is attached for this applicant.

A proposed order granting this motion is filed contemporaneously herewith.

Dated: May 2, 2019

Respectfully submitted,

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV (BPR #23045)

Benjamin A. Gastel (BPR #28699)

**BRANSTETTER, STRANCH &
JENNINGS, PLLC**

223 Rosa L. Parks Avenue

Suite 200

Nashville, TN 37203

Telephone: (615) 254-8801

Facsimile: (615) 255-5419

gerards@bsjfirm.com

beng@bsjfirm.com

Liaison Counsel

Christina D. Saler (admitted *pro hac vice*)

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

Three Logan Square

1717 Arch Street

Suite 3610

Philadelphia, PA 19103

Telephone: (267) 479-5700

Facsimile: (267) 479-5701

csaler@cohenmilstein.com

Steven J. Toll (admitted *pro hac vice*)

Daniel S. Sommers (*pro hac vice* pending)

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

1100 New York Avenue N.W.
Suite 500
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
stoll@cohenmilstien.com
dsommers@cohenmilstein.com

Alice Buttrick (admitted *pro hac vice*)

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

88 Pine Street, Fourteenth Floor
New York, New York 10005
Telephone: (212) 838-0979
Facsimile: (212) 838-7745
abuttrick@cohenmilstein.com

*Lead Counsel for Lead Plaintiff and the
Proposed Class*

CERTIFICATE OF SERVICE

I certify that on this 2nd day of May, 2019, I electronically filed the foregoing document using the Court's CM/ECF system, and a copy of this filing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. The following counsel will receive service via the Court's CM/ECF system at the email addresses listed below:

Eduard Korsinsky
Levi & Korsinsky, LLP
30 Broad Street
24th Floor
New York, NY 10004
(212) 363-7500
Fax: (212) 363-7171
Email: ek@zlk.com

James A. Holifield, Jr.
Holifield Janich Rachal & Associates, PLLC
11907 Kingston Pike
Suite 201
Knoxville, TN 37934
(865) 566-0115
Fax: (865) 566-0119
Email: aholifield@holifieldlaw.com

Attorneys for Plaintiff Eric Weiner

Jessica Perry Corley
Lisa R. Bugni
King & Spalding LLP (Atlanta Office)
1180 Peachtree Street NE
Atlanta, GA 30309-3521
(404) 572-4717
(404) 572-4677
Email: jpcorley@kslaw.com
Email: lbugni@kslaw.com

Joseph B. Crace, Jr.
Wallace Wordsworth Dietz
Bass, Berry & Sims (Nashville Office)
150 Third Avenue South
Suite 2800

Nashville, TN 37201
(615) 742-7896
(615) 742-6200
Fax: (615) 742-2700
Email: jcrace@bassberry.com
Email: wdietz@bassberry.com

Attorneys for the Defendants

/s/ Benjamin A. Gastel

Benjamin A. Gastel